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7 Attorneys for Defendants
8 CITY OF PLEASANTON (erroneously sued
9 as Pleasant Police Department); OFFICER
10 JERRY NICELY; OFFICER MARDENE LASHLEY;
11 and OFFICER MARTENS

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 EUGENE E. FORTE; EILEEN FORTE;
16 GABRIELLE FORTE; JORDAN FORTE;
17 NOEL FORTE; JUSTON FORTE,

18 Plaintiff,

19 vs.

20 HYATT SUMMERFIELD SUITES
21 PLEASANTON; ANA AVILLA, individually
22 and as employee of HYATT
23 SUMMERFIELD SUITES PLEASANTON;
24 PLEASANTON POLICE DEPARTMENT;
25 OFFICER JERRY NICELY, individually
26 and in his official capacity; OFFICER
27 MARDENE LASHLEY, individually and in
28 her official capacity; OFFICER MARTENS,
individually and in his official capacity; and
DOES 1 through 25, inclusive,

Defendants.

Case No.: C11- 02568 CW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING SEPTEMBER 6,
2011 INITIAL CASE MANAGEMENT
CONFERENCE**

WHEREAS the above-captioned matter was removed from the Superior Court of the State of California, County of Alameda to the United States District Court for the Northern District of California, Oakland Division on May 26, 2011;

1 WHEREAS the initial case management conference is currently set for
2 September 6, 2011 at 2:00 p.m.;

3 WHEREAS William A. Lapcevic, Esq. has filed a motion to withdraw as counsel
4 of record for plaintiffs based in part on a conflict of interest;

5 WHEREAS recent communications from plaintiffs to Mr. Lapcevic has further
6 strained the relationship between Mr. Lapcevic and plaintiffs such that Mr. Lapcevic is
7 uncomfortable making any representations in joint case management statement or
8 otherwise on behalf of plaintiffs until his motion to withdraw is decided by the court;

9 WHEREAS the hearing on Mr. Lapcevic's motion to withdraw is currently set for
10 September 22, 2011 at 2:00 p.m.;

11 IT IS STIPULATED and respectfully requested by all parties to this action that the
12 initial case management conference currently scheduled for September 6, 2011 at 2:00
13 p.m. be continued to October 11, 2011 at 2:00 p.m., or as soon as possible thereafter,
14 and that the deadline for completing initial disclosures and for filing a joint case
15 management conference statement be continued accordingly in order to permit the
16 court to rule on Mr. Lapcevic's motion to withdraw a counsel of record for plaintiffs
17 before the parties are required to file a joint case management conference statement,
18 make initial disclosures and attend the initial case management conference.

19
20 Dated: August 15, 2011

ARATA, SWINGLE, SODHI & VAN EGMOND



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23 WILLIAM A. LAPCEVIC, ESQ
24 Attorneys for Plaintiffs
25 EUGENE E. FORTE; EILEEN FORTE;
26 GABRIELLE FORTE; JORDAN FORTE; NOEL
27 FORTE; JUSTON FORTE,
28

1 Dated: August 15, 2011

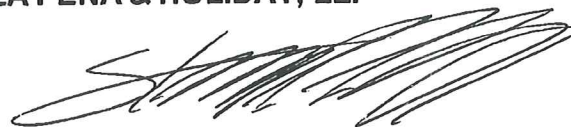
STUBBS & LEONE

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8 as Pleasant Police Department); OFFICER
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10 LASHLEY; and OFFICER MARTENS

11 Dated: August 15, 2011

DE LA PEÑA & HOLIDAY, LLP

12 

13 GREGORY R. DE LA PEÑA
14 STEVEN L. ROYCRAFT
15 Attorneys for Defendant
16 VERONICA VILLA

17 **IT IS ORDERED THAT:**

18 1. The Initial Case Management Conference is continued to October 11,
19 2011 at 2:00 p.m.; and

20 2. The deadlines for completing initial disclosures and for filing a joint case
21 management conference statement are continued accordingly.

22 Dated: 8/16/2011

23 
24 District Judge Claudia Wilken